

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SAMMI OWENS

v.

CENTAURI SPECIALTY INSURANCE
COMPANY

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CIVIL ACTION NO. 3:17-cv-2446

JURY DEMANDED

DEFENDANT’S NOTICE OF REMOVAL

Defendant Centauri Specialty Insurance Company (“Centauri”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 as follows:

I. NATURE OF THE SUIT

1. This lawsuit arises from a claim for property damage made by Plaintiff under a policy of homeowner’s insurance issued by Centauri. Plaintiff reported damage alleged to be caused by wind and/or hail, and filed this lawsuit after the claim was adjusted and paid.

II. PROCEDURAL BACKGROUND

2. On June 5, 2017, Plaintiff Sammi Owens filed the Original Petition initiating an action against Defendant Centauri in the 14th Judicial District Court of Dallas County, Texas, bearing Cause No. DC-17-06621 (“the State Court Action”). **See Exhibit B.** A jury demand was made in the State Court Action. *Id.* On August 10, 2017, Plaintiff filed an amended petition. **See Exhibit C.**

3. Centauri was served with the Amended Petition in the State Court Action on August 16, 2017. **See Exhibit D.**

4. Centauri has not filed an Answer in the State Court Action.

5. This Notice of Removal is timely filed within the 30-day statutory time period for removal under 28 U.S.C. § 1446(b)(1), being filed within 30 days after Defendant's receipt of service of process.

6. This Notice of Removal is also timely filed within one year after commencement of the State Court Action, in compliance with 28 U.S.C. § 1446(c)(1).

III. BASIS FOR REMOVAL

7. This Court has original diversity jurisdiction under 28 U.S.C. § 1332 over this civil action, and the action may be removed by Centauri pursuant to 28 U.S.C. § 1441(b), as it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8. According to Plaintiff's state court pleadings, Plaintiff is a citizen of the state of Texas and resides in Dallas County. **See Exhibit B at ¶ 2.** Defendant Centauri is incorporated under the laws of Florida and maintains its principal place of business in Florida, and thus is a citizen of Florida for purposes of diversity jurisdiction. Because Plaintiff is a citizen of Texas and Defendant is a citizen of Florida, complete diversity of citizenship exists among the parties.

9. Plaintiff's Amended Petition pleads monetary damages between \$200,000 and \$1,000,000 under TEX. R. CIV. P. 47, which requires the petition to identify the amount of monetary relief sought. Therefore, the petition on its face demonstrates an amount in controversy which is within this Court's jurisdiction. Because the amount in controversy on its face exceeds \$75,000, this Court has subject matter jurisdiction under 28 U.S.C. §1332, and this removal is proper.

10. Removal to the Northern District of Texas, Dallas Division is proper because the state court action is pending in Dallas County, which is part of the Northern Division.

11. In compliance with Local Rule 81.1(a)(4), Defendants attach to this Notice of Removal: (a) appendix containing an index of all attached documents, and (b) a copy of the state court docket sheet. *See* Appendix.

12. Centauri will separately file its Corporate Disclosure in compliance with Fed. R. Civ. P. 7.1.

13. In compliance with 28 U.S.C. § 1446(d), Centauri hereby certifies that it will promptly notify the clerk of the court in the State Court Action and all adverse parties of this removal.

IV. CONCLUSION AND PRAYER

14. The basis for this removal and this Court's jurisdiction is diversity of citizenship under 28 U.S.C. §1332 because Plaintiff is a citizen of Texas and Defendant is a citizen of Florida. The amount in controversy, based on Plaintiff's pleadings, facially exceeds \$75,000, exclusive of interest and costs. As such, this removal is proper under 28 U.S.C. §1441. On these grounds, Defendant hereby removes the referenced State Court Action to this Court.

15. Defendant demands a jury in this removed action.

16. THEREFORE, Defendant Centauri Specialty Insurance Company respectfully requests that the above-entitled action be removed from the 14th Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

/s/ Alan Moore

Alan Moore

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Defendant's Notice of Removal** was served this 14th day of September, 2017 on the following counsel of record by the method specified:

James M. McClenny J. Zachary Moseley Chidi Oha McCLENNY MOSELEY & ASSOCIATES, PLLC 411 N. Sam Houston Parkway E., Ste. 200 Houston, TX 77060	<i>Via Facsimile: (713) 322-5953</i> <i>and Email: james@mma-pltc.com;</i> <i>zach@mma-pltc.com; chidi@mma-pltc.com</i>
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/s/ Barrie J. Beer

Barrie J. Beer